

REMARKS

Claims 1-33 are pending in this application.

Claims 1-3, 7-16, and 23-33 were withdrawn from consideration as being directed to a non-elected invention.

Claims 4-6 and 17-22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 4-6 and 17-22 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The specification was objected to for allegedly "failing to provide proper antecedent basis for the claimed subject matter."

Claims 4-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Loshakove et al. U.S. Publication No. 2004/0097973 (hereinafter "Loshakove U.S."). Claims 17-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Loshakove et al. International Publication No. WO 01/41623 (hereinafter "Loshakove PCT").

The Examiner's rejections are respectfully traversed.

I. Reply to the Rejections Under 35 U.S.C. § 112

Claims 4-6 and 17-22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that there is no support for these claims in either the instant application or in parent U.S. Patent Application No. 09/955,244. Claims 4-6 and 17-22 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse.

Applicants respectfully submit that claims 4-6 and 17-22 are fully supported by the specification of U.S. Patent Application No. 08/745,618, filed November 7, 1996, now U.S. Patent No. 5,976,178 (hereinafter "the priority patent"). The instant application claims priority to the priority patent through continuation, and the priority patent has been incorporated by reference in its entirety into the instant application. The support for claims 4-6 and 17-22 provided by the specification of the priority patent is described in detail below.

A. Claims 4-6

Applicants' invention, as defined by claim 4, relates to an anastomotic connector comprising a cylinder-like body and at least one set of spikes coupled to the body by twisting joints. FIG. 38 of the priority

patent shows an anastomotic connector, comprising a cylinder-like body 430'' coupled to a set of spikes 436''. "In the embodiment shown in FIG. 38, the distal end of artificial graft conduit 430'' is attached to expandable ring 430a. Elongated barbs 436'' extend distally from the distal end of ring 430a" (the priority patent, col. 18, lines 42-45). In addition, FIG. 39 shows that spikes 436'' can be connected to cylinder-like body 430'' by twisting joints. "If desired, each of barbs 436'' may [b]e twisted 180° as shown in FIG. 39..." (the priority patent, col. 19, lines 1 and 2). Thus, claim 4 is fully supported by the specification of the priority patent.

Claim 5 defines a connector according to claim 4, wherein the twisting joints comprise at least one torsion bar. Claim 6 defines a connector according to claim 4, wherein the twisting joints comprise at least one bend area. With respect to claim 5, FIG. 39 of the priority patent, as described above, shows that spikes 436'' can be connected to cylinder-like body 430'' by twisting joints. As stated in the priority patent, "this promotes turning of the extreme distal end portions of the barbs toward the coronary artery wall when the barbs are released..." (col. 19, lines 2-5).

Merriam-Webster's Collegiate Dictionary Tenth Edition defines "torsion" as "1: the twisting or wrenching of a

body by the exertion of forces tending to turn one end or part about a longitudinal axis while the other is held fast or turned in the opposite direction; also: the state of being twisted." Therefore, it would be clear to one of ordinary skill in the art that spikes 436'' can be torsion bars. This concept is fully illustrated by FIG. 39. FIG. 39 shows spikes 436'' being bent to create twisting joints, as defined by claim 6. Thus, claims 5 and 6 are fully supported by the specification of the priority patent.

Applicants respectfully submit that full support for claims 4-6 is found in the original disclosure of the parent application, the specification sets forth the proper antecedent basis for the claimed subject matter, and the subject matter that applicants regard as the invention is distinctly and definitely claimed. Accordingly, applicants respectfully request that the rejections of claims 4-6 under 35 U.S.C. § 112 and the objection to the specification be withdrawn.

B. Claims 17-22

Applicants' invention, as defined by claim 17, relates to a reducing profile anastomotic connector, comprising a ring section and a spikes section. The spikes section comprises a plurality of spikes, wherein the spikes section defines a collapsing portion for axial

collapsing of the spikes section. FIG. 38 of the priority patent shows a reducing profile anastomotic connector comprising a ring section 430a and an axially collapsible spikes section 436''. The specification of the priority patent states:

"Barbs 436'' are resiliently biased to extend radially outward from ring 430a, but are initially restrained from doing so by the presence of their distal end portions in the distal end of tube 420''... After the distal portion of the cone of barbs 436'' has been pushed through the wall of coronary artery 20, tube 420'' is shifted proximally relative to the barbs to release the distal end portions of the barbs. This allows barbs 436'' to spring radially outward from ring 430a inside coronary artery 20, thereby anchoring the distal end of the graft conduit in the coronary artery. Ring 430a can then be circumferentially expanded..." (col. 18, lines 48-66).

Thus, claim 17 is fully supported by the specification of the priority patent.

Claims 18-20 define a connector according to claim 17, wherein said collapsing portion buckles, twists, or folds out, respectively. Claims 21 and 22 define a connector according to any of claims 17-20, wherein said collapsing portion selfdeforms or plastically deforms, respectively. As described above, FIG. 38 of the priority patent shows a reducing profile anastomotic connector comprising a ring section 430a and an axially collapsible spikes section 436''. "Barbs 436'' are resiliently biased ..." (the priority patent, col. 18, lines 48-49). Therefore, spikes section 436''

is capable of selfdeformation. "Plastic" is defined by Merriam-Webster's Collegiate Dictionary Tenth Edition as "capable of being deformed continuously and permanently in any direction without rupture." Ring 430a and barbs 436'' can be made of any suitable material, including stainless steel (the priority patent, col. 19, lines 6-8). Therefore, it would be clear to one of ordinary skill in the art that barbs 436'' are capable of plastic deformation. As stated above, FIG. 39 shows barbs 436'' with twists. Barbs 436'' are described to flare out. Thus, it would be clear to one of ordinary skill in the art that the axial collapsing portion of applicants' original disclosure could buckle, twist, fold out, selfdeform, and/or plastically deform. Therefore, claims 18-22 are fully supported by the specification of the priority patent.

Accordingly, applicants respectfully submit that claims 17-22 have full support in the original disclosure of the parent application, the specification sets forth the proper antecedent basis for the claimed subject matter, and the subject matter that applicants regard as the invention is distinctly and definitely claimed. Furthermore, applicants respectfully request that the rejections of claims 17-22 under 35 U.S.C. § 112 and the objection to the specification be withdrawn.

II. Reply to the Rejections Under 35 U.S.C. § 102(e)

Claims 4-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Loshakove U.S. Claims 17-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Loshakove PCT. These rejections are respectfully traversed.

As described in Sections I.A. and I.B. above, claims 4-6 and 17-22 are fully supported by the specification of the priority patent. Therefore, those claims have an effective filing date of November 7, 1996, which precedes the 35 U.S.C. § 102(e) dates of both Loshakove U.S. and Loshakove PCT.

Accordingly, applicants respectfully submit that claims 4-6 and 17-22 are allowable. Applicants respectfully request that the rejection of claims 4-6 and 17-22 under 35 U.S.C. § 102(e) be withdrawn.

III. Contingent Request for Interview

The Examiner's rejections rely on issues of support of copied claims by applicants' originally filed disclosure. Applicants respectfully submit that the claims are fully supported. If for any reason the Examiner is unable to allow claims 4-6 and 17-22 of the present application based on this Reply, applicants respectfully request that the Examiner telephone the undersigned agent to schedule an interview. It is

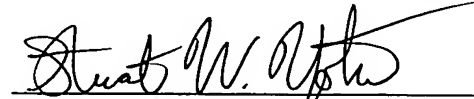
believed that any questions the Examiner has would be easily addressed in a brief interview.

IV. Conclusion

Applicants respectfully submit that this patent application is in condition for allowance.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart W. Yothers", is written over a horizontal line.

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